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Under international law, a refugee is a person who has fled the country of his nationality to avoid persecution or the threat of persecution.

The United Nations Convention relating to the Status of Refugees gives a precise definition of the term.

Interestingly, the Convention of the Organization of African Unity extends refugee status to all persons fleeing their country because of an armed conflict <sup>[1]</sup> or internal disturbances <sup>[2]</sup>.

See Displaced persons <sup>[3]</sup>; Stateless persons <sup>[4]</sup>; Non-refoulement <sup>[5]</sup>;

## OUTLINE

Chapter 8, III. Refugees and displaced persons in IHL <sup>[6]</sup>

## LEGAL SOURCE

**nationals of Occupying Power in occupied territory**

GCIV, 70 <sup>[7]</sup>

PI, 73 <sup>[8]</sup>

## as protected persons

PI, 73 <sup>[8]</sup> and 85/2 <sup>[9]</sup>

## in the enemy country

GCIV, 44 <sup>[10]</sup>

## DOCUMENTS

Organization of African Unity, Convention Governing the Specific Aspects of Refugee Problems in Africa <sup>[11]</sup>

Cartagena Declaration on Refugees <sup>[12]</sup>

## CASES

ICRC, Iran/Iraq Memoranda <sup>[13]</sup>

ICTY, The Prosecutor v. Kupreskic et al. (Paras. 587-588) <sup>[14]</sup>

Case Study, Armed Conflicts in the Great Lakes Region (Part 1., D. ) <sup>[15]</sup>

Canada, Ramirez v. Canada <sup>[16]</sup>

Canada, Sivakumar v. Canada <sup>[17]</sup>

Switzerland, The Niyontese Case (A., 10) <sup>[18]</sup>

The armed conflict in Syria <sup>[19]</sup>

Libya, Report of the Office of the UN High Commissioner for Human Rights (2014/15) <sup>[20]</sup>

Myanmar, Forced Population Movements <sup>[21]</sup>

ECJ, Aboubacar Diakité v. Commissaire général aux réfugiés et aux apatrides <sup>[22]</sup>

## BIBLIOGRAPHIC RESOURCES

### Suggested readings:

BUGNION François, “Réfugiés, personnes déplacées et droit international humanitaire”, in *Revue suisse de droit international et de droit européen*, Vol. 3, 2001, pp. 277-288.

Canadian International Development Agency, *The Long Road Home: Opportunities and Obstacles to the Reintegration of IDPs and Refugees Returning to Southern Sudan and the Three Areas: Report of Phase II: Conflict, Urbanisation and Land*, London, Overseas Development Institute, September 2008, 84 pp.

COLLINSON Sarah (ed.), *Realising Protection: the Uncertain Benefits of Civilian, Refugee and IDP Status*, London, Overseas Development Institute, September 2009, 62pp.

LAVOYER Jean-Philippe, “Refugees and Internally Displaced Persons: International Humanitarian Law and the Role of the ICRC”, in *IRRC*, No. 305, March-April 1995, pp. 162-180.

MAURICE Frédéric & COURTEN Jean de, “ICRC Activities for Refugees and Displaced Civilians”, in *IRRC*, No. 280, January-February 1991, pp. 9-21.

Special Issue “50<sup>th</sup> Anniversary of the 1951 Refugee Convention. The Protection of Refugees in Armed Conflicts”, in *IRRC*, No. 843, September 2001, pp. 571 ff.

#### **Further readings:**

GOODWIN-GILL Guy S. & McADAM Jane, *The Refugee in International Law*, Oxford, OUP, 3rd ed., 2007, 786 pp.

MUNTARBHORN Vitit, “Protection and Assistance for Refugees in Armed Conflicts and Internal Disturbances: Reflections on the Mandates of the International Red Cross and Red Crescent Movement and the Office of the United Nations High Commissioner for Refugees”, in *IRRC*, No. 265, July-August 1988, pp. 351-366.

PEJIC Jelena, “Article 1F(a): The Notion of International Crimes”, in *International Journal of Refugee Law*, Special supplementary issue, Vol. 12, 2000, pp. 11-45

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#### **Links**

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[3] <https://casebook.icrc.org/glossary/displaced-persons>

[4] <https://casebook.icrc.org/glossary/stateless-person>

[5] <https://casebook.icrc.org/glossary/non-refoulement>

[6] <https://casebook.icrc.org/law/civilian-population#chapter4>

[7]

<https://www.icrc.org/applic/ihl/ihl.nsf/Article.xsp?action=openDocument&documentId=00C231B18AC4E834C12563CD0>

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<https://www.icrc.org/applic/ihl/ihl.nsf/Article.xsp?action=openDocument&documentId=319C8D02127ADAD2C12563CD0>

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<https://www.icrc.org/applic/ihl/ihl.nsf/Article.xsp?action=openDocument&documentId=73D05A98B6CEB566C12563CD0>

[10]

<https://www.icrc.org/applic/ihl/ihl.nsf/Article.xsp?action=openDocument&documentId=9F16FC090F0199F0C12563CD00>

[11]

[http://www.au.int/en/sites/default/files/Convention\\_En\\_Refugee\\_Problems\\_in\\_Africa\\_AddisAbaba\\_10September1969\\_0.pdf](http://www.au.int/en/sites/default/files/Convention_En_Refugee_Problems_in_Africa_AddisAbaba_10September1969_0.pdf)

[12] [https://www.oas.org/dil/1984\\_Cartagena\\_Declaration\\_on\\_Refugees.pdf](https://www.oas.org/dil/1984_Cartagena_Declaration_on_Refugees.pdf)

[13] <https://casebook.icrc.org/case-study/icrc-iraniraq-memoranda>

[14] [https://casebook.icrc.org/case-study/icty-prosecutor-v-kupreskic-et-al#para\\_587](https://casebook.icrc.org/case-study/icty-prosecutor-v-kupreskic-et-al#para_587)

[15] [https://casebook.icrc.org/case-study/case-study-armed-conflicts-great-lakes-region-1994-2005#part\\_i\\_d](https://casebook.icrc.org/case-study/case-study-armed-conflicts-great-lakes-region-1994-2005#part_i_d)

[16] <https://casebook.icrc.org/case-study/canada-ramirez-v-canada>

[17] <https://casebook.icrc.org/case-study/canada-sivakumar-v-canada>

[18] [https://casebook.icrc.org/case-study/switzerland-niyonteze-case#part\\_a\\_10](https://casebook.icrc.org/case-study/switzerland-niyonteze-case#part_a_10)

[19] <https://casebook.icrc.org/case-study/armed-conflict-syria>

[20] <https://casebook.icrc.org/case-study/libya-report-office-un-high-commissioner-human-rights-201415>

[21] <https://casebook.icrc.org/case-study/myanmar-forced-population-movements>

[22] <https://casebook.icrc.org/case-study/ecj-aboubacar-diakite-v-commissaire-general-aux-refugies-et-aux-apatrides>